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FACSIMILE COVER SHEET

Date:___March 27, 2006_____

To: ___Examiner Gregory Vaughn_____

___United States Patent and Trademark Office_____

Facsimile No.:   ___1-571-273-8300_____

US Serial No.   ___09/897,292_____

Filing Date   ___June 29, 2001_____

Attorney Docket No.   ___COHE0002_____

From: ___Ronald M. Anderson, Registration No. 28,829_____

Facsimile No. (425) 646-6314

MESSAGE:

The following has been transmitted herewith via facsimile:

1. Facsimile Cover Page (1pg).
2. Applicant Initiated Interview Request Form (1pg)
3. Brief Description of Arguments to be Presented (1pg)

We have 3 pages to send, including this sheet. If any pages need to be retransmitted,
please call (425) 688-8816 within 15 minutes.

MAR 2 7 2006

Applicant Initiated Interview Request Form

Application No.: 09/897, 292   First Named Applicant: GERALD COHEN

Examiner: VAUGHN   Art Unit: 2178   Status of Application: PENDING, FINAL OFFICE ACTION

Tentative Participants:

(1) GREGORY VAUGHN (EXAMINER) (2) MICHAEL KING (APPLICANT'S ATTORNEY)

(3)_____ (4)_____

Proposed Date of Interview: 3/28/06   Proposed Time: 2:00 (AM/PM)

Type of Interview Requested:

(1) [X] Telephonic   (2) [ ] Personal   (3) [ ] Video Conference

Exhibit To Be Shown or Demonstrated: [ ] YES   [X] NO
If yes, provide brief description:_____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1)_____	_____	_____	[ ]	[ ]	[ ]
(2)_____	_____	_____	[ ]	[ ]	[ ]
(3)_____	_____	_____	[ ]	[ ]	[ ]
(4)_____	_____	_____	[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached

Brief Description of Arguments to be Presented:

SEE ATTACHED

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

_____   _____
Applicant/Applicant's Representative Signature   Examiner/SPE Signature

MICHAEL C. KING

Typed/Printed Name of Applicant or Representative

44,832

Registration Number, if applicable

It appears that the references cited by the Examiner perform different functions in a different manner, even though the references include language similar to that in the pending claims.

In the final office action, the Examiner has disagreed essentially stating that the words employed in the *arguments* as provided in the previously filed response are not identical to the words recited in the pending claims. While this is technically correct, the claimed invention still performs different functions in a different manner, and because of this, the sequences of steps recited in the pending claims logically lead to a conclusion that the menu template modifier disclosed by McNally is not equivalent to the recited menu template modifier, and thus, the pending claims distinguish over the cited art.

Significantly, these two steps appear distinctly different those implemented by McNally:

> *(b)*   *enabling a user to select a desired menu from the menu database;*
>
> *(c)*   *using said menu template modifier, said menu template, and a database record to generate the desired menu, said database record defining an appearance and a functionality of the menu items included within the desired menu;*.

According to McNally and conventional practice in the computer arts, once a menu or data structure has been created, the entire menu is stored in a memory for later use. Later, when that menu is selected for use, minimal processing is required to display the menu, since its structure is previously defined and stored. In accord with applicant's novel approach as defined by Claim 40, additional processing is required to display a menu that was previously designed, because the menu is not stored in a complete form.

Note in step "b", the desired menu *has already been developed*, and stored as an instruction set (i.e., as database record) as opposed to a complete menu. The database record contains sufficient information such that a processor (e.g., serving as the menu template modifier) can use the data contained in the database record with the menu template to recreate or generate the menu immediately before it is displayed to the user.

McNally refers to the use of a template (FIGURE 7), a processor, database records corresponding to potential menu items (i.e., the entrée, dessert, and appetizer data that are displayed in FIGURE 1), and modifiers (i.e., meat temperature, and vegetables to be served with an entrée) to initially generate a menu that is stored *in a complete form* in a database, such that a user can later retrieve that menu without regenerating it.

Furthermore, McNally does not teach or suggest that a menu template and a database record *defining an appearance and a functionality of the menu items included within the desired menu* are required to re-create the desired menu for display to a user.